

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA) **Docket No.: 3:14CR163-RJC-DCK**
)
)
v.) **ORDER**
)
JAMES EDWARD MCLEAN)
)
_____)

THIS MATTER IS BEFORE THE COURT on receipt of a Forensic Evaluation from the Metropolitan Correctional Center in New York, New York dated February 13, 2015. The Report concludes that the Defendant is currently suffering from a mental disease or defect rendering him mentally incompetent to proceed.

The Court conducted a competency hearing consistent with 18 U.S.C. § 4247(d). Based on all the evidence presented at the hearing and the overall record in the case, the Court concluded consistent with 18 U.S.C. § 4241(d) that the Defendant is not competent to proceed at this time.

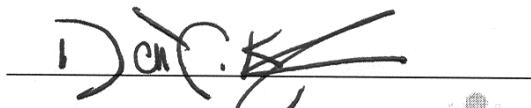
NOW THEREFORE, IT IS ORDERED:

1. The Court finds that Defendant is currently suffering from a mental disease or defect rendering him mentally incompetent to proceed.
2. Defendant is committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d), who shall hospitalize the Defendant for treatment in a suitable facility and for further evaluation to determine whether the Defendant can attain, or has attained, competency to proceed.

3. The custodial treatment and evaluation described above shall be “for such a reasonable period of time, not to exceed four months,” as provided in 18 U.S.C. § 4241(d); and “for an additional reasonable period of time until his mental condition is so improved that trial may proceed, if the Court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the proceedings to go forward” as provided by § 4241(d)(2)(A).
4. The United States Marshal is directed to transport the Defendant to the selected treatment site at the earliest opportunity; the Defendant has requested to be placed at either Butner, North Carolina or Springfield, Missouri.
5. The Clerk is directed to send copies of this Order to defense counsel, counsel for the Government, the U.S. Marshal; and to the Honorable Robert J. Conrad.

SO ORDERED.

Signed: March 23, 2015



David C. Keesler
United States Magistrate Judge
